

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MEMORIAL HERMANN HOSPITAL
SYSTEM
Plaintiff,

V.

MICHAEL BOUTON, M.D.
Defendant.

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CIVIL ACTION NO 4:10-CV-1161

DEFENDANT MICHAEL BOUTON, M.D.'S RULE 26(a) INITIAL DISCLOSURES

Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, Defendant Michael Bouton, M.D. ("Bouton") serves his Initial Disclosures on Plaintiff Memorial Hermann Hospital System ("MHHS").

Rule 26(a)(1)(A)(i)

The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

1. **Michael Bouton, M.D.**
c/p Harry L. Scarborough
Faubus & Scarborough LLP
1010 Lamar, Suite 1020
Houston, Texas 77002
Tel: (713) 222-6400

Michael Bouton, M.D. is the Defendant in this case.

2. **Treasia Bouton**
c/o Faubus & Scarborough
1010 Lamar, Suite 1020
Houston, Texas 77002
Tel: (713) 222-6400

Treasia Bouton is Bouton's wife and a part-time receptionist at Bouton's medical practice. Mrs. Bouton has knowledge of MHHS' recruitment of Bouton, the Guaranteed Billings Recruitment Agreement Between Michael Bouton, M.D. and Memorial Hermann Hospital

System (the "Agreement"), Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, termination of the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, the emotional and financial hardships endured by Bouton's family due to relocation and separation necessitated by Bouton's move to North Dakota, and Bouton's damages.

3. Memorial Herman Hospital System

c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Memorial Hermann Hospital System is the Plaintiff, and its employees, agents and custodians of records have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, termination of the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, and Bouton's damages.

4. Memorial Hermann Memorial City Hospital

c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Bouton worked at Memorial Hermann Memorial City Hospital, and its employees, agents and custodians of records have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, termination of the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, and Bouton's damages.

5. Memorial Hermann Katy Hospital

c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Bouton worked at Memorial Hermann Katy Hospital, and its employees, agents and custodians of records may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

6. **Bobetta Lindig Breast Center**
Memorial Hermann Memorial City Medical Center
c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Bouton worked at the Bobetta Lindig Breast Center, and its employees, agents and custodians of records may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

7. **Jeffrey Nowlin, M.D.**
Memorial Hermann Hospital System
c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Jeff Nowlin is the Chief Operating Officer of Memorial Hermann Memorial City Medical Center. Mr. Jones has knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

8. **David Jones**
Memorial Hermann Hospital System
c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

David Jones was the Chief Executive Officer of Memorial Hermann Hospital System, and he executed the Agreement. Mr. Jones has knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, termination of the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, and Bouton's damages.

9. **Lisa Kendler**
Memorial Hermann Hospital System
c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Lisa Kendler is the Chief Financial Officer of Memorial Hermann Hospital System. Ms. Kendler has knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, termination of the Agreement, and Bouton's damages.

10. **Marsha Bourgeois**
Memorial Hermann Katy Hospital
c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Marsha Bourgeois is Director of Business Development for Memorial Hermann Katy Hospital. Ms. Bourgeois may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

11. **Debra Enany**
Memorial Hermann Hospital System
c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Deborah Enany is the Director of Physician Recruitment and Business Development for the Memorial Hermann Hospital System. Ms. Enany has knowledge MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

- 12. Cindy Peña**
Memorial Hermann Hospital System
c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Cindy Peña is or was the Physician Liaison for Memorial Hermann Hospital System. Ms. Peña has knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

- 13. Serena Schneider**
Memorial Hermann Hospital System
c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Serena Schneider is a real estate broker/agent. Ms. Schneider may have knowledge of Bouton's relocation to Houston and his damages.

- 14. MetroNational**
820 Gessner, Suite 1800
Houston, Texas 77024
Tel: (713) 973-6400

MetroNational, is a privately held real estate investment, development and management company headquartered in Houston, Texas. MetroNational and its employees, agents and custodians of records may have knowledge of the lease agreement for Bouton's medical practice, Bouton's diligent but unsuccessful efforts to build a viable practice, and Bouton's damages.

- 15. TNET Healthcare Corporation**
1445 Ross Ave.,
Dallas, Texas
Tel: (469) 893-2000

Tenet Healthcare Corporation is a health care services company whose subsidiaries and affiliates own and operate acute care hospitals and related ancillary health care businesses, including Cypress Fairbanks Medical Center. TNET Healthcare Corporation and its employees, agents and custodians of records may have knowledge of Bouton's diligent but unsuccessful efforts to build a viable practice and Bouton's damages.

16. **Cypress Fairbanks Medical Center Hospital**
10655 Steepletop Drive
Houston, Texas, 77065
Tel: (281) 890-4285

Bouton worked at Cypress Fairbanks Medical Center Hospital. Cypress Fairbanks Medical Center Hospital, and its employees, agents and custodians of records may have knowledge of Bouton's diligent but unsuccessful efforts to build a viable practice.

17. **Jo Pollack, MD**
902 Frostwood Dr., No. 129
Houston, Texas
Tel: (713) 461-1013

Jo Pollack, MD has a medical practice in the same area as Bouton, and she, her employees, agents and custodians of records have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement (including, but not limited to, an overflow of breast patients from Dr. Pollock to Bouton and the Bobetta Lindig Breast Center), termination of the Agreement, and Bouton's damages.

18. **Theresa Hagmann**
Sphinx Consulting
18702 Point Lookout Dr.,
Nassau Bay, Texas, 77058
Tel: (281) 333-1818

Theresa Hagmann is a representative of Sphinx Consulting. Ms. Hagmann was present at some of the meetings regarding Bouton's recruitment and/or relocation to Texas. Ms. Hagmann and Sphinx Consulting's employees, agents and custodians of records may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

19. **Peter Khoury**
Sphinx Consulting
18702 Point Lookout Dr.,
Nassau Bay, Texas, 77058
Tel: (281) 333-1818

Peter Khoury is Director of Operations of Sphinx Consulting. Mr. Khoury was present at some of the meetings regarding Bouton's recruitment and/or relocation to Texas. Ms. Hagmann and Sphinx Consulting's employees, agents and custodians of records may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to

build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, termination of the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, and Bouton's damages.

- 20. Medicus Insurance Company**
4817 Spicewood Springs Road
Building 4, 1st Floor
Austin, Texas 78759
Tel: (512) 467-2800

Medicus Insurance Company provided malpractice insurance for Bouton from March 1, 2007-March 1, 2008 and may have knowledge of his damages.

- 21. Scott Newar, Attorney at Law**
700 Louisiana, 25th Floor
Houston, Texas 77002-2728
Tel: (713) 222-9155

Mr. Newar provided legal services to Bouton after January 22, 2007.

- 22. Adam Naaman, M.D.**
Memorial Hermann Hospital System
c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Dr. Naaman is a physician who works at one or more facilities owned or operated by MHHS. Dr. Naaman may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

- 23. Admiral Moving Services, Inc.**
664 West Ash Street
Fayetteville, Arkansas 72703
Tel: (800) 844-6870
Tel: (479) 442-4631

Admiral Moving Services, Inc. moved Bouton from Arkansas to Texas, and it may have knowledge of his damages.

24. **J.P. Morgan Chase Bank, N.P.**
P.O. Box 260180
Baton Rouge, Louisiana 70826-0180
Tel: (212) 270-6000

J.P. Morgan Chase Bank, N.P. and its employees, agents and custodians of records may have knowledge of Michael Bouton, M.D., PLLC's account number ending in 8001, business line of credit with a credit limit of \$50,000.00, account number ending in 0627, in the name of Treasia Bouton and Michael S. Bouton, and account number ending 2093 and Bouton's damages.

25. **J.P. Morgan Chase Bank, N.P.**
Eldridge LPO
12210 FM 1960 West
Houston, Texas 77065
Tel: (212) 270-6000

J.P. Morgan Chase Bank, N.P. and its employees, agents and custodians of records may have knowledge of the Promissory Note executed by Michael Bouton, M.D., PLLC, dated January 16, 2007 in the principal amount of \$50,000.00 and Bouton's damages.

26. **Chris Tangalin**
JP Morgan Chase Bank
12210 FM 1960 West
Houston, Texas 77065
Tel: (832) 237-7027

Chris Tangalin was Bouton's banker. Mr. Tangalin may have knowledge of Bouton's diligent but unsuccessful efforts to build a viable practice and Bouton's damages.

27. **MNC Medical Property, LTD a Texas Limited Partnership**
820 Gessner, Suite 1800
Houston, Texas 77024
Tel: (713) 973-6400

MNC Medical Property, LTD was the Lessor for Bouton's surgical group. MNC Medical Property, LTD and MNC Medical Property, LTD's employees, agents and custodians of records may have knowledge of Bouton's damages.

28. The following are the names of individuals listed as attendees at a meeting the week prior to May 14, 2007 regarding stereotactic biopsy at the Bobetta Lindig Breast Center, and they may have knowledge of same:

- a) Subramanyam Manny Ayyar, M.D.
- b) Michael S. Bouton, M.D.
- c) Louis Bujanch, MD

- d) George Jackson, MD
- e) Stephen, McElmurry, MD
- f) Adam Naaman, M.D.
- g) Rick Ngo, MD
- h) Melissa O'Toole, MD
- i) Jo Pollack, MD
- j) Stephen Rose, MD
- k) Penni Russo-Going, MG
- l) Kevin Wheeler, MD
- m) Jeff Nowlin, MD

Memorial Herman Hospital System
 c/o Fred Wahrlich
 Munsch Hardt Kopf & Harr, P.C.
 700 Louisiana Street, Suite 4600
 Houston, Texas 77002
 Tel: (713)222-1470

- 29. MeritCare Medical Group**
 P.O. Box MC
 Fargo, ND 58122
 Tel: (701) 234-6145

MeritCare Medical Group is Bouton's current employer. MeritCare Medical Group and Merit Care Medical Group's employees, agents, representatives and custodians of records may have knowledge of Bouton's damages.

- 30. VisionBank**
 3000 25th Street South
 Fargo, ND 58103
 Tel: (701) 364-2020

VisionBank and its employees, agents and custodians of records may have knowledge of account number ending in 5998 for Michael S. Bouton and Treasia S. Bouton and Bouton's damages.

- 31. CitiMortgage, Inc.**
 P.O. Box 689196
 Des Moines, IA 50368-9196
 Tel: (800) 283-7918

CitiMortgage, Inc. and its employees, agents, representatives and custodians of records may have knowledge of Michael Bouton's account number ending in 3136 regarding Bouton's home located at 12994 Park Forest Trail, Cypress, Texas 77429, and it may have knowledge of Bouton's damages.

32. **Charles Schwab & Co., Inc.**
101 Montgomery St.
San Francisco, CA 94104
Tel: (800) 435-4000

Charles Schwab & Co., Inc. and its employees, agents and custodians of records may have knowledge of Michael S. Bouton and Treasia Bouton's Schwab One account- account number ending in 9260, and it may have knowledge of Bouton's damages.

33. **Orwin Healthcare International, Inc.**
OHI Property Services
1918 Saddle Creek Drive
Houston, Texas 77090
Tel: (281) 880-5315

Orwin Healthcare International, Inc. and its employees, agents and custodians of records may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, and Bouton's damages.

34. **Thomas Graves**
Adair & Myers PLLC
3120 Southwest Freeway, Suite 320
Houston, Texas 77098
Tel: (713) 522-2270

Mr. Graves provided legal services to Bouton prior to January 22, 2007 and may have knowledge of his damages.

35. **Linda Nanini**
Gainer, Donnelly & Desroches LLP
5847 San Felipe, Suite 1100
Houston, Texas 77057
Tel: (713) 965-5597

Ms. Nanini is an accountant and partner of the firm Gainer, Donnelly & Desroches LLP. Ms. Nanini, Gainer, Donnelly & Desroches LLP and its employees, agents and custodians of records may have knowledge of Bouton's finances and damages.

36. **Allyson Hancock Kinzel**
Baker Hostetler LLP
1000 Louisiana, Suite 2000
Houston, Texas 77002
Tel: (713) 751-1600

Ms. Kinzel and Baker Hostetler LLP provided legal services to Bouton. Ms. Kinzel, Baker Hostetler LLP and its employees, agents and custodians of records may have knowledge of the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement (including, but not limited to, an overflow of breast patients from Dr. Pollock to Bouton and the Bobetta Lindig Breast Center), termination of the Agreement, and Bouton's damages, including attorney's fees and expenses.

37. **James Winton**
Baker Hostetler LLP
1000 Louisiana, Suite 2000
Houston, Texas 77002
Tel: (713)751-1600

Ms. Winton and Baker Hostetler LLP provided legal services to Bouton. Mr. Winton, Baker Hostetler LLP and its employees, agents and custodians of records may have knowledge of the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement (including, but not limited to, an overflow of breast patients from Dr. Pollock to Bouton and the Bobetta Lindig Breast Center), termination of the Agreement, and Bouton's damages, including attorney's fees and expenses.

38. **McMahan & Co., CPAs**
2825 Wilcrest Drive, Suite 117
Houston, Texas 77042
Tel: (713) 626-0662

McMahan & Co., CPA and its officers, employees, agents, representatives and custodians of records may have knowledge of Bouton's finances, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, and Bouton's damages.

39. **Rose Imaging Specialists, P.A.**
714 FM 1960 W., Suite 206
Houston, TX 77090
Tel: (281) 880-6991

Rose Imaging Specialists, P.A. was awarded a contract by MHHS for the Bobetta Lindig Breast center and its officers, employees, agents, representatives and custodians of records may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

40. **Michelle Uvale**
13042 Ferry Hill Lane
Houston, Texas 77015
Tel: (281) 541-5767

Ms. Uvale was employed with Bouton as a receptionist, and she may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

41. **Heather San Miguel**
6450 Ella Lane, No. 4
Houston, Texas 77057
Tel: (713) 259-5998

Ms. San Miguel was employed with Bouton as a Nurse/Office Manager, and she may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

42. **Kimberly Ponder**
16629 North Wayne Lane
Pearland, Texas 77584
Tel: (512) 826-3172

Ms. Ponder was employed by Bouton as a Nurse/Office Manager, and she may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

43. **Inhouse Assist LLC**
6751 North Sunset Blvd. Suite 450
Glendale, AZ 85305
Tel: (877) 775-8111

Inhouse Assist LLC is a recruitment firm that assisted in the recruitment by Memorial Healthcare System of Bouton. Inhouse Assist LLC and its employees, agents, representatives and custodians of records may have knowledge of MHHS' recruitment of Bouton, the Agreement, and representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock.

44. The following are health plan providers that Bouton applied to and/or was approved by during the term of the Agreement, and they may have knowledge of Bouton's diligent but unsuccessful efforts to build a viable practice and Bouton's damages:

- a. Aetna, Inc.
151 Farmington Avenue
Hartford, Ct 06156
Tel: (800)624-0756
- b. Amerigroup Amerivantage Medicare HMO —
22 Century Boulevard, Ste. 310
Nashville, TN 37214
Tel: (615) 316-2431 ext.22431
- c. Beechstreet Health Plans (Concentra)
25500 Commercentre Drive
Lake Forest, CA 92630-8855
Tel: (949) 672-1000
- d. Blue Cross/Blue Shield
225 North Michigan Avenue
Chicago, IL 60601
Tel: (866) 664-1207
- e. Cigna
Two Liberty Place
Philadelphia, PA 19192
United States
Tel: (215) 761-1000
- f. Community Health Choice
2636 South Loop West, Ste. 700
Houston, Texas 77054
Tel: (713) 295-2295
- g. Coventry Healthcare National Network
6705 Rockledge Drive, Ste. 900
Bethesda, MD 20817
Tel: (301)581-0600
- h. Elder Health (Bravo) Medicare HMO
3601 O'Donnell Street
Baltimore, MD 21224
Tel: (800)235-9188

- i. Employers Health Network
1883 N Hwy CC
Nixa, MO 65714
Tel: (800)323-5135
- j. Evercare
Evercare Corporate Office
9900 Bren Road East
Minnetonka, MN 55343
Tel: (877) 842-3210
- k. Evolutions Healthcare
7916 Evolutions Way
New Port Richey, FL 34655
Tel: (727) 938-2222
- l. First Health
3200 Highland Avenue
Downers Grove, IL 60515
Tel: (630) 737-7900
- m. Galaxy Health
631 106th Street
Arlington, Texas 76011
Tel: (817) 633-5822
- n. Great West
8505 E. Orchard Road
Greenwood Village, CO 80111
Tel: (303)729-8400
- o. HealthSmart EPO, PPO
222 West Las Colinas Boulevard, Suite 600N
Irving, Texas 75039
Tel: (214) 574-3546
- p. Humana
500 West Main Street
Louisville, KY 40202
Tel: (800)486-2620
- q. IMS
901 Main Avenue, Ste. 612
Norwalk, CT 06851-1187
Tel: (203)845-5200

- r. Interplan Health Group (IHG)
The Parker Group
222 West Colinas Blvd, Ste. 2000
Irving, TX 75039
Tel: (866) 511-4757
- s. Medicare Provider/Medicaid Provider
Center For Medicare & Medicaid Services
7500 Security Blvd
Baltimore, MD 21244-1850
Tel: (800) 633-4227
- t. Memorial Hermann Health Networks Provider
9401 S W Freeway, Ste. 1100
Houston, Texas 77074
Tel: (713) 448-6464
- u. MultiPlan PPO
115 Fifth Avenue
New York, NY 10003
Tel: (212)780-2000
- v. PHCS
253 Witherspoon Street
Princeton, NJ 08540
Tel: (888)742-7496
- w. PRO Next
8625 King George Drive, Ste. 300
Dallas, TX 75235
Tel: (866)776-6398
- x. Provider Select PPO
P.O. Box 330070
Fort Worth, TX 76163
Tel: (866) 774-7766
- y. Texas True Choice
Texas True Choice, Inc.
P.O. Box 259015
Plano, TX 75025
Tel: (469) 443-3300

z. Unicare
Two Greenway Plaza, Ste. 500
Houston, TX 77046
Tel: (888) 697-3790

aa. United Healthcare
5901 Lincoln Dr.
Minneapolis, MN 55436
Tel: (952) 992-7777

- 45. River Oaks Imaging and Diagnostic**
Operated by Memorial Hermann
c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

River Oaks Imaging and Diagnostic is operated by Memorial Hermann, and its employees, agents and custodians of records have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, termination of the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, and Bouton's damages.

- 46. Scott Smith**
Chief Operating Officer
Outpatient Imaging Division
Memorial Hermann Health Systems
c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Mr. Smith is the Chief Operating Officer of the Outpatient Imaging Division for MHHS, and he may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, termination of the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, and Bouton's damages.

47. **Stephen L. Rose, M.D.**
Rose Imaging Specialists, P.A.
714 FM 1960 W., Suite 206
Houston, TX 77090
Tel: (281) 880-6991

Mr. Rose is an officer and/or employee of Rose Imaging Specialists, P.A. Mr. Rose may have knowledge of a contract between Rose Imaging Specialists, P.A. and MHHS for the Bobetta Lindig Breast Center, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, and Bouton's damages.

48. **Surgical Group of Memorial City**
c/p Harry L. Scarborough
Faubus & Scarborough LLP
1010 Lamar, Suite 1020
Houston, Texas 77002
Tel: (713) 222-6400

Surgical Group of Memorial City was the medical practice established by Bouton pursuant to the Agreement, and its employees, agents and custodians of records have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, termination of the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, and Bouton's damages.

49. **Arkansas Surgical Group**
c/p Harry L. Scarborough
Faubus & Scarborough LLP
1010 Lamar, Suite 1020
Houston, Texas 77002
Tel: (713) 222-6400

Arkansas Surgical Group was the medical practice Bouton left to relocate to Texas pursuant to the Agreement, and its employees, agents and custodians of records have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, termination of the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, and Bouton's damages.

50. **Terry Wheeler**
Chief Executive Officer
Cypress Fairbanks Medical Center Hospital
10655 Steepletop Drive
Houston, Texas, 77065
Tel: (281) 890-4285

Mr. Wheeler is or was the Chief Executive Officer at Cypress Fairbanks Medical Center Hospital, and he may have knowledge of Bouton's diligent but unsuccessful efforts to build a viable practice and Bouton's damages.

51. **Brenda Wainscott, M.D.**
Memorial Hermann Katy Hospital
c/o Fred Wahrlich
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana Street, Suite 4600
Houston, Texas 77002
Tel: (713) 222-1470

Brenda Wainscott, M.D. is or was the Chief of Staff for Memorial Hermann Katy Hospital, and she may have knowledge of MHHS' recruitment of Bouton, the Agreement, Bouton's diligent but unsuccessful efforts to build a viable practice, representations by or on behalf of MHHS in connection with the Agreement, the Bobetta Lindig Breast Center and/or Dr. Jo Pollock, termination of the Agreement, and Bouton's damages.

Rule 26(a)(1)(A)(ii)

A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

Please see the documents and things being produced by Defendant that are bates labeled BOUTON 00001 to BOUTON 00450.

Rule 26(a)(1)(A)(iii)

A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered; and

Bouton has incurred the following past, present, and future estimated damages to be specifically calculated by one or more experts:

- | | | |
|----|-------------------------------------|--------------|
| a. | Loss of the benefit of the bargain: | \$900,000.00 |
| b. | Reliance damages: | \$855,000.00 |
| c. | Consequential damages: | \$95,000.00 |

Rule 26(a)(1)(A)(iv)

For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Bouton is not aware at this time of any insurance policy that covers the matter of this lawsuit.

/s/Harry L. Scarborough

Harry L. Scarborough
State Bar No. 24027838
Federal Bar No. 27018

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Attorney-in-Charge

OF COUNSEL:

FAUBUS & SCARBOROUGH LLP

Paula J. Wilder
State Bar No. 00792915
Federal Bar No. 19031

CERTIFICATE OF SERVICE

This certifies that a copy of this document has been served upon the following counsel of record on July 30, 2010, as follows:

Via Certified Mail Return Receipt Requested:

Fred Wahrlich, Attorney-in-charge
Michael A. Harvey
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana, Suite 4600
Houston, Texas 77002

/s/Harry L. Scarborough
Harry L. Scarborough